Before the Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment	)	ET Docket No. 15-170
	)	
Request for the Allowance of Optional Electronic Labeling for Wireless Devices	)	RM-11673
	)	

COMMENTS

In response to the Federal Communications Commission's ("Commission's") Notice of Proposed Rulemaking in the above-captioned proceeding,[1] Sporton International Inc. ("Sporton") respectfully submits these comments. Sporton operates several testing facilities in the U.S. and Taiwan and is a major provider of EMC, safety and radiation safety testing for a broad range of RF devices marketed in the U.S. and foreign markets. Sporton's facilities are accredited and listed pursuant to Section 2.948 of the Commission's Rules. As discussed below, Sporton opposes the Commission's proposal set forth in the NPRM to eliminate the laboratory accreditation requirement for the testing of devices subject to the Declaration of Conformity ("DoC") procedure. The Commission's proposal to combine verification and the DoC procedure into a single self-

[1] In the Matter of Amendment of Parts 0,1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment and Request for Allowance of Optional Electronic Labeling for Wireless Devices, ET Docket No. 15-170, RM-11673, *Notice of Proposed Rulemaking* (rel. July 21, 2015) (NPRM).

approval process will allow test laboratories in non-MRA countries to compete unfairly against laboratories like Sporton which undergo strict accreditation and auditing for its testing services.

Specifically, the Commission proposes to do away with the DoC authorization program by combining it with the equipment verification process to form a single self-approval process, to be known as "Supplier's Declaration of Conformity" ("SDoC"), similar to what now exists for Part 68 telephone terminal equipment ("TTE").[2] Testing of unintentional RF radiators subject to SDoC will not require testing in an accredited laboratory, will not require data base registration (which applies only to TTE), and will not require any review by an independent third party. The FCC logo would also be abandoned, but certain compliance-related information would have to be provided with the product at time of marketing.

Sporton strongly opposes the Commission's proposal to create a single self-approval process because this approach will only weaken the Commission's laboratory accreditation and MRA programs. Some foreign laboratories – particularly in non-MRA countries – have become "testing mills" that churn out certification and DoC test reports in open violation of the Commission's Rules. Because these labs are unaccredited, there is no official oversight of their testing activities and, thus, many have been known to offer cut-rate services by testing improperly or insufficiently – or, in some cases, not at all -- with the result being that non-compliant and spectrum-harmful equipment is unwittingly placed on U.S. and foreign markets. Given this reality, the Commission should not be relaxing its rules by converting the DoC program (which currently requires laboratory accreditation) into a verification program which will allow unscrupulous laboratories

[2] NPRM at ¶ 24.

in non-MRA countries not only to continue to do "business as usual," but to expand their business by operating below surveillance levels that apply to legitimate testing laboratories.

The Commission believes that its proposal will streamline the approval process and reduce potential costs to manufacturers seeking approval for their devices.[3] The Commission also points to the adoption of measurement standards and today's "greater comfort with the use of self-approval procedures" as justifications for its proposal.[4] Although well-intentioned, the Commission fails to recognize the potential harms that may result and the reality that some laboratories will circumvent the rules and these measurement procedures.

For example, legitimate test labs which undergo strict accreditation procedures and which operate in accordance with the Commission's Rules will be at a competitive disadvantage to those who do not follow the rules. In addition, the potential for spectrum interference from devices that are improperly tested will increase if the laboratories that ignore the Commission's Rules are permitted to test more types of devices. For example, the Commission's proposal would allow unaccredited laboratories in non-MRA countries to do compliance testing for personal computers/CPU boards and peripherals, TV interface devices, certain receivers, etc. that are currently off-limits because of those countries' refusal to recognize testing done by foreign laboratories.

It makes no sense for the Commission to change its Rules in this manner given these potential harms. And, in the long-run, the cost savings envisioned by the Commission may never

[3] *Id.* at ¶¶ 25-26.
[4] *Id.* at ¶ 25.

materialize. Instead, there may be added costs imposed on manufacturers who will need to re-test devices to address issues of non-compliance with the Commission's Rules.

* * * * *

We thank the Commission for this opportunity to share our comments in this proceeding.

Respectfully submitted,

Sporton International Inc.

/s/ Sunny Chiang

Secretary
General Manager Office

October 9, 2015

Terry G. Mahn
Jay S. Newman
Fish & Richardson P.C.
1425 K Street N.W., 11th Floor
Washington, D.C. 20005
Counsel to Sporton International Inc.